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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,540	03/31/2004	Leo Tat Man Lau	CA920030106US1	9987

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
HO, BINH VAN

ART UNIT	PAPER NUMBER
2163	

MAIL DATE	DELIVERY MODE
12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/816,540	LAU ET AL.
	Examiner	Art Unit	
	Binh V. Ho	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 August 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4,5 and 7-9_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4,5 and 7-9_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _03/31/2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   In view of the arguments presented in the Appeal Brief filed 08/21/2007,

prosecution on the merits is reopened to address the issues raised in the Brief. The

grounds of rejections in the prior Office actions are withdrawn, and new grounds of

rejection are presented here. 37 CFR 1.193 (b)(2) applies:

Where prosecution is reopened by the primary examiner after an appeal or reply

brief has been filed, appellant must exercise one of the following two options to avoid

abandonment of the application:

(i) File a reply under § 1.111, if the Office action is not final, or a reply under §

1.113, if the Office action is final; or

(ii) Request reinstatement of the appeal. If reinstatement of the appeal is

requested, such request must be accompanied by a supplemental appeal brief,

but no new amendments, affidavits (§ § 1.130, 1.131 or 1.132) or other evidence

are permitted.

Response to Arguments

<u>Applicant Argues:</u>

Goodman does not teach determining whether a specified application is

submitting requests using an online protocol, and consequently setting an online flag in

the database server, returning defined error condition indicators to the specified

application and one of the defined error condition indicators is returned to the

application. Applicants therefore submit that Goodman does not teach all of the

elements of claim 1.

Examiner Responds:

After reconsidering the prior art in light of Applicant's arguments received

09/27/2007, the Examiner agrees with the Applicant that Goodman fails to explicitly

teach or disclose determining whether a specified application is submitting requests

using an online protocol, and consequently setting an online flag in the database server,

returning defined error condition indicators to the specified application and one of the

defined error condition indicators is returned to the application as defined in claims 1, 5,

and 8.

However, the Examiner respectfully disagrees with the Applicant that the claims

are now in condition for allowance. After conducting a further search of the prior art,

the Examiner discovered U.S. Publication 2005/0193103 issued to Drabik. It appears

that the Drabik discloses an additional function of a Pair object may be to separate, by

means of an appropriate flag value, the type of address and the net mask contained

within the Pair; examples are a flag to indicate Internet Protocol (IP) version 4, versus IP

version 6, which uses longer addresses and a different form of definition. Such

changes in formatting and size can be easily hidden from other configuration records by

use of a Pair object. For purposes of discussion, each Pair object has a unique Pair ID

which is trivially assigned by a database manager or other similar mechanism (Fig. 11A-

11B).

The Examiner asserts that the combination of Goodman and Drabik discloses

and/or suggests each and every element of the Applicant's claimed invention.

Therefore, the claims remain rejected under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

3.   Claims 1-2, 4-5, and 7-9 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Goodman (U.S. 2006/0059253) in view of Drabik (U.S.

2005/0193103).

(Claims 1, 5, and 8)

Goodman discloses in figures 4,10, 11, and 18, substantially all of the elements,

for a database server (92), a computer program product for directing the database

server to selectively releasing database system resources associated with a database

system operatively coupled with the database server, the database server accessible by

applications (96), the computer program product comprising a computer usable medium

having computer readable program code embodied in said medium, the computer

readable program code comprising computer readable program code for receiving

requests from one or more applications (78, 79, 120), except computer readable

program code for determining whether a specified application is submitting requests

using an online protocol, and computer readable program code for returning defined

error condition indicators to the specified application when the application is determined

to be using the online protocol and when identified system resources are determined to

be scarce, whereby the specified application issues a commit when it is using the online

protocol and one of the defined error condition indicators is returned to the application.

Drabik teaches in figure 6, a flag to indicate Internet Protocol (IP) version 4, versus IP

version 6, which uses longer addresses and a different form of definition (paragraph

[0115]). It would have been obvious at the time of the invention was made for one

person of the ordinary skill in the art to modify the disclosure of Drabik to provide the

online flag to defined error condition indicators to the specified application when the

application is determined to be suing the online protocol.

(Claim 2)

Goodman discloses in figures 10, and 11, the identified system resources

including one or more of log tables and locks (Paragraph [0160], [0164], [0470], and

[0746).

(Claims 4, 7, and 9)

Drabik discloses in figure 6, the computer readable program code for determining whether the specified application being submitting the requests using the online protocol is carried out by the database server receiving a request specifying that the online protocol is to be used and consequently setting an online flag in the database server ("a flag to indicate Internet Protocol (IP) version 4, versus IP version 6, which uses longer addresses and a different form of definition ", Paragraph [0115]).
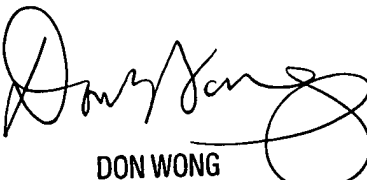
Inquiry

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh V Ho
Examiner
Art Unit 2163

DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100